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L A W S

OF THE

EIGHTH LEGISLATURE

OF THE

STATE OF TEXAS.

EXTRA SESSION.

BY AUTHORITY.

AUSTIN:

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1861.



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GENERAL LAWS.

CHAPTER I.

AN ACT Making an appropriation for the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the extra session of the Eighth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the mileage and per diem pay of the Members, and the per diem pay of the officers, of the extra session of the Eighth Legislature of the State of Texas; and the certificate of the Secretary of the Senate, and the Chief Clerk of the House of Representatives, shall be authority for the Comptroller to draw his warrant on the Treasurer for the several amounts that the Members and officers may be respectively entitled to.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 24, 1861.

CHAPTER II.

AN ACT in relation to the procurement of money due by the United States to the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That it is hereby made the duty of Clement R. Johns,

the Comptroller of Public Accounts of this State, to proceed without delay to the city of Washington, with proper vouchers duly authenticated, and receive from the Secretary of the Treasury, or other proper authority of the Government of the United States, all money now undrawn by this State, which has been appropriated by the Congress of the United States to the State of Texas. And said Comptroller shall, on the receipt of such money, in behalf of the State of Texas, give all proper receipts therefor; and shall immediately transport the same to the city of Austin, and deposit it in the Treasury of this State.

SEC. 2. That all the necessary expenses of said Comptroller in procuring and transporting said money, as provided in this act, shall be paid out of the Treasury of the State: and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying into effect the provisions of this act, and this act shall take effect and be in force from and after its passage.

Passed January 25, 1861.

CHAPTER III.

AN ACT to define the time of holding Courts in the Nineteenth Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the District Courts of the Nineteenth Judicial District shall hereafter be held as follows:

In the county of Bell on the first Mondays in March and September in each year, and may continue in session two weeks.

In the county of Coryell on the third Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Hamilton on the fourth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Comanche on the fifth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Palo Pinto on the sixth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Erath on the seventh Mondays after the first

Mondays in March and September, and may continue in session one week.

In the county of Bosque on the eight Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of McLennan on the ninth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 2. That all writs and process of all kinds that have been or may be hereafter issued from the District Courts of the counties mentioned in this act, shall be returnable to the terms of said Court as established by this act, and all such writs and process shall have the same force and effect in law as if they had originally been so returnable.

SEC. 3. That all laws and parts of laws conflicting with this act are hereby repealed, and this act shall take effect from and after its passage.

Approved January 26, 1861.

CHAPTER IV.

A ACT to give additional time for holding the Courts in the Twentieth Judicial District, and to Change the time of holding Courts in certain Counties in said District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Courts shall be held in the Twentieth Judicial District in each year, as follows: In the county of Collin, on the first Mondays in February and August, and may continue in session three weeks. In the county of Denton, on the third Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Wise on the fifth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Jack, on the sixth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Young, on the seventh Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Throckmorton, on the eighth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Archer, on the ninth Mondays after the first Mondays in February and August, and may

continue in session one week. In the county of Clay, on the eleventh Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Montague, on the twelfth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Cooke, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Grayson, on the fifteenth Mondays after the first Mondays in February and August, and may continue in session three weeks.

SEC. 2. That all writs and process that have been, or may hereafter be issued from any of the District Courts of the counties mentioned in this act, and made returnable to any of the terms of said Courts under the laws now in force, and all bonds and recognizances that have been, or may hereafter be, made returnable to said Courts, shall be returned to the terms specified in this act, and shall have the same force and effect as if the same had been made so originally returnable.

SEC. 3. That so much of the act entitled "An Act to amend the second section of an act to create the Twentieth Judicial District of the State of Texas," approved January 21, 1860, as conflicts with the provisions of this act be and the same is hereby repealed.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved 25th January, 1861.

CHAPTER V.

AN ACT directing how certain funds now in the Treasury shall be applied.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That nine thousand seven hundred and sixty-eight dollars and sixty-two cents in specie, being part of the proceeds of the sale of the University lands, now in the Treasury; and also the amount of seventeen thousand three hundred and thirteen dollars and thirty cents, being the fund accumulated from deceased estates, in specie, now in the Treasury, shall be applied to the payment of the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the present extra session of the Eighth Legislature, and the contingent expenses

of the same; provided that the amount disbursed under this act shall be hereinafter replaced to the University fund, and the fund for decedents estates, so soon as the amounts so used, or any part thereof, may come into the Treasury from current revenue, not appropriated or set apart for any other use.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 29, 1861.

CHAPTER VI.

AN ACT to reorganize the Eighteenth Judicial District, and regulate the time of holding Courts therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the counties hereinafter named shall compose the Eighteenth Judicial District, and the District Courts therein shall be held as follows, to wit :

In the county of Atascosa, on the first Mondays of April and October, and may continue in session three weeks.

In the county of Bandera, on the third Mondays after the first Mondays of April and October, and may continue in session one week.

In the county of Uvalde, on the fourth Mondays after the first Mondays of April and October, and may continue in session two weeks.

In the county of Medina, on the sixth Mondays after the first Mondays of April and October, and may continue in session three weeks.

In the county of Wilson, on the ninth Mondays after the first Mondays of April and October, and may continue in session two weeks.

In the county of Kinney, on the tenth Mondays after the first Mondays of April and October, and may continue in session one week.

In the county of Maverick, on the eleventh Mondays after the first Mondays of April and October, and may continue in session one week.

SEC. 2. That all writs and process that may be issued from any of the District Courts of said District, shall be made returnable to the terms of said Courts, as established by this act.

SEC. 3. That all laws and parts of laws conflicting with this

act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved January 31, 1861.

CHAPTER VII.

AN ACT making an appropriation to pay the mileage and per diem of the Presidential Electors.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of four hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any unappropriated money in the State Treasury, for the payment of the mileage and per diem pay of T. N. Waul, M. D. Graham, A. T. Rainey and John A. Wharton, for their services as Presidential electors in the year 1860.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 31, 1861.

CHAPTER VIII.

AN ACT to reorganize the Sixteenth Judicial District, and to define the time of holding Courts therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Sixteenth Judicial District of the State of Texas, shall hereafter be composed of the counties of Ellis, Johnson, Parker, Tarrant, Dallas, Kaufman and Van Zandt.

SEC. 2. The District Courts shall be held twice in each year, in said District, as follows:

In the county of Ellis, on the first Mondays in March and September, in each year, and may continue in session three weeks.

In the county of Johnson, on the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Parker, on the second Mondays after the fourth Mondays in March and September, and may continue in session three weeks.

In the county of Tarrant, on the fifth Mondays after the fourth

Mondays in March and September, and may continue in session three weeks.

In the county of Dallas, on the eighth Mondays after the fourth Mondays in March and September, and may continue in session three weeks.

In the county of Kaufman, on the eleventh Mondays after the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Van Zandt, on the thirteenth Monday after the fourth Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 3. All writs and other process issued from the District Courts of any of the counties named in this act, shall be made returnable to the terms of said Courts as established by this act. And all cases of appeals or writs of Error from the Judgments of District Courts in this District, shall be returnable to the Supreme Court at Austin; except the counties of Kaufman and Van Zandt, which shall be returnable to the Supreme Court at Tyler.

SEC. 4. That this act take effect from its passage.

Approved February 2, 1861.

CHAPTER IX.

AN ACT supplemental to an act entitled an act, to regulate Estrays.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That no animal of any description, shall be estrayed, in any county in this State, where the mark and brand of the animal is of record in said county; and it shall be the duty of every person before estraying an animal, to examine the record of marks and brands of the county in which he lives, and if he finds the mark or brand that is upon the animal, he shall not stray the same.

SEC. 2. Any person being guilty of violating any of the provisions of this act, shall be fined in the sum of not less than fifty nor more than one hundred dollars, to be recovered before any Justice of Peace having jurisdiction of the same, with costs of suit.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 5, 1861.

CHAPTER X.

AN ACT to provide for the protection of the Frontier of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the counties of Montague, Jack, Clay, Wise, Young, Parker, Palo Pinto, Johnson, Erath, McLennan, Comanche, Hamilton, Bosque, Coryell, Bell, Lampasas, Brown, San Saba, Llano, Burnet, Gillespie, Bandera, Frio, Uvalde, Mason, Medina, Atascosa, Live Oak, Nueces, Starr, Hidalgo, Cameron, Zapata, Webb, El Paso, Blanco and Kerr, and that all unorganized counties be attached as for Judicial purposes—may each organize a company of Minute Men not to exceed forty in number, (rank and file.)

SEC. 2. That each member of such company, shall be required to keep himself furnished with a suitable horse, gun, navy revolver, at least one hundred rounds of ammunition, ten days' provisions, and all necessary equipments, to be ready at any moment when called on to take the field.

SEC. 3. That said Minute Men shall be exempt from poll tax, militia, road, and jury duty, and when in actual service, shall be entitled to one dollar and fifty cents per day, covering all their claims against the State.

SEC. 4. That each company shall be entitled to one Captain, and if numbering twenty men, and less than twenty-eight men to one Lieutenant, and if numbering over twenty-eight men to two Lieutenants, and each company shall be entitled to one Sergeant and one Corporal for every ten men in said company.

SEC. 5. The Chief Justice or County Court of each county above mentioned, shall cause said men to be enrolled and organize the same by holding elections, and when organized, the Captain of each company, shall return a muster-roll certified to by the Chief Justice or County Court of their respective counties, to the Governor of the State, and another copy to the Comptroller.

SEC. 6. The Captain of each company, when engaged in actual service, or business for the company or service, shall be entitled to two dollars and fifty cents per day; and Lieutenants, when similarly engaged, to two dollars per day. No other allowances shall be made to officers or men but the amount stated as "per diem" in this act.

SEC. 7. From each company, a number of spies not exceeding ten men, and one commissioned officer, may be kept in constant service as *scouts*, and when considered necessary, the officer in

command may call out part or the whole of the company, but no larger number than ten men shall at any one time be entitled to more than twelve days pay, and whenever a call is made, the officer commanding, shall make a correct report of the number of days served by each man, which report shall be certified to by the Chief Justice or the County Court of the county to which such company belongs; that the call was justifiable or necessary from the notice or alarm, which report shall be forwarded immediately by the principal officer to the Governor, with regular reports to be made at least once in every three months.

SEC. 8. The Governor shall have power to direct that the number of spies may be reduced in any county, or the services of the whole number suspended, but the company shall nevertheless retain its organization, and hold itself in readiness for duty whenever the circumstances require it.

SEC. 9. The men called out under the provisions of this act, shall, when in actual service, be governed by the rules and articles of war governing the army of the United States, wherever applicable, and when not in actual service, by such by-laws and regulations as they may make, not being inconsistent with the Constitution or laws of this State.

SEC. 10. That this act take effect and be in force from and after its passage.

Passed February 7, 1861.

CHAPTER XI.

AN ACT to provide for submitting the Ordinance of Secession to a vote of the People.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the Chief Justices, or other county officers required by the directions of the State Convention, and presiding officers of precincts of the several counties of this State, are hereby empowered and required to order and to hold elections in their respective counties, and at their several precincts, on such day or days as may be provided therein, for the ratification or rejection of the Ordinance of Secession passed by a convention of the people assembled in the city of Austin, on the 1st day of February, A.D. 1861, and conduct said election in all respects according to the existing laws regulating elections for members of the Legislature, and make returns thereof in such manner and to such

persons, and within such time, as may be prescribed by said Convention, under all the penalties prescribed in the laws aforesaid.

SEC. 2. *Be it further enacted*, That all qualified electors for members of the Legislature of this State shall be entitled to vote at said election, at any precinct in the State, and indicate their approval or disapproval of said ordinance by the use of such terms as may be prescribed by said Convention.

SEC. 3. That this act take effect and be in force from and after its passage.

Passed February 7, 1861.

CHAPTER XII.

AN ACT to extend the time for the return of Pre-emption Field Notes.

SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That the time for the return of Pre-emption Field Notes under the various pre-emption laws, be extended to the first day of January, 1862 ; provided nothing herein contained shall interfere with vested rights.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 7, 1861.

CHAPTER XIII.

AN ACT to amend the tenth section of an act supplementary to "An Act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7, 1853, approved December 19, 1857, approved 8th February, 1860."

SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That the tenth section of "An Act supplementary to an act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7, 1853, approved December 19, 1857, approved 8th February, 1860," be amended so as hereafter to read as follows: Sec. 10. "That the right of way secured or to be secured to any Railroad Company in this State, in the manner provided by law, shall not be so construed as to include

the fee simple estate in lands, either public or private, nor shall the same be lost by the forfeiture or expiration of the charter, but shall remain subject to an extension of the charter, or the grant of a new charter over the same way, without a new condemnation." Provided, however, that no Railroad Company shall have the power, either by its own employees or other persons, to construct any buildings along the line of their railroads to be occupied by their employees, or others, except at their respective depot stations, and at such stations only such buildings as may be necessary for the transaction of their legitimate business operations and for shelter for their employees; nor shall they use, occupy or cultivate any part of the right of way over which their respective roads may pass, with the exception aforesaid, for any other purpose than the construction and keeping in repair their respective railways.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 7, 1861.

CHAPTER XIV.

AN ACT prescribing the order of determining Cases in the Supreme Court.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the cases on the dockets of the Supreme Court shall be determined in the order in which they stand upon the docket, or have been or may be submitted to the Court, except when continued by consent or to make parties, or for the return of any writ, or in cases which have been heard by two of the Judges only, and they are unable to agree.

SEC. 2. This act shall not apply to criminal cases, nor shall it be construed to interfere with the setting apart particular times for the hearing of causes from particular districts as heretofore.

SEC. 3. This act shall take effect from and after its passage,

Approved February 7, 1861.

CHAPTER XV.

AN ACT to amend an act entitled an act to organize Justices Courts, and to define the powers and jurisdiction of the same, approved March 20, 1848."

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That section fifty-two in said act be so amended as hereafter to read as follows: "A Justice of the Peace may grant a stay of execution on any judgment for money rendered by himself, on a civil suit, for nine months." Provided the person or persons against whom such judgment was rendered shall with one or more good and sufficient sureties, to be approved by such Justice, appear before him and acknowledge themselves and each of them bound to the successful party in such sum as shall secure the amount of the judgment, interest and costs; which acknowledgement shall be entered by the Justice on his docket, and shall have the force and effect of a judgment against the persons making the acknowledgement, upon which execution shall issue for the amount of the original judgment, interest and costs, in case the same shall not be paid, on or before the expiration of such stay. Provided that no such stay shall be granted unless applied for and perfected within ten days after the recovery of the original judgment.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 7, 1861.

CHAPTER XVI.

AN ACT Providing what shall be sufficient prima facie evidence in certain cases in suits brought by the State of Texas.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That in every case of delinquency on the part of any officer or agent of this State, and in all cases where such officers or agents fail to pay to the State any money due by them to the State, where suit has been or shall be instituted by the State against such officer or agent on account thereof, a transcript from the books and proceedings of the office of Comptroller of Public Accounts, containing a true statement of accounts be-

tween the State and the party, authenticated under the seal of said office, shall be admitted as *prima facie* evidence, and the Court trying the cause may thereupon render judgment accordingly; and all copies of bonds, contracts, or other papers relating to or connected with any account between the State of Texas and an individual, sued as aforesaid, when certified by the Comptroller of Public Accounts to be true copies of the originals on file in said office, and authenticated under the seal of said office as aforesaid, may be annexed to such transcripts, and shall have equal validity and be entitled to the same degree of credit that would be due to the original papers if produced and proved in Court; provided that where such suit is brought upon a bond or other written instrument, and the defendant shall plead "*non est factum*," or by plea under oath deny the execution of such bond or instrument, the Court shall require the production and proof of execution of the original bond, contract, or other paper specified in the plea.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XVII.

AN ACT To provide for running the county lines between the counties of Marion, Cass and Titus.

SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That A. J. Simons be and he is hereby appointed and constituted a Commissioner, under oath, to run and mark the county lines between the counties of Marion, Cass and Titus, in accordance with the provisions of an act approved Feb. 8, 1860, entitled An Act creating the county of Marion, and providing for the holding of the District Courts therein; the said county lines to be run and marked and a copy of the field notes returned to each of the said counties on or before the first day of June next; and when so run, marked, and the field notes thus returned, the same shall be recognized and held valid as the boundary line between said counties of Marion, Cass and Titus, and the said Commissioner shall be entitled to receive the same fees as are allowed by law for surveying the same, to be paid equally by the counties of Marion and Cass, in proportion to the length of the lines in which each are interested.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 8; 1861.

CHAPTER XVIII.

AN ACT To reorganize the Seventeenth Judicial District, and define the time of holding Courts therein.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the seventeenth judicial district shall hereafter consist of the counties of Williamson, Burnet, Llano, Mason, San Saba, Brown and Lampasas, and the District Courts shall be held twice in each year in each of said counties as follows:

In the county of Williamson on the second Mondays in March and September, and may continue in session four weeks.

In the county of Burnet on the fourth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Llano on the fifth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Mason on the sixth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of San Saba on the seventh Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Brown on the eighth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Lampasas on the ninth Mondays after the second Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 2. That all process, bonds, recognizances, and process of all kinds, already issued, taken, or made returnable to the terms of said court heretofore established by law, or which may be hereafter so issued, taken or made returnable, shall be considered and taken as made for the terms herein established for said courts, and that this act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XIX.

AN ACT Making an appropriation to pay for supplies furnished the troops now on the frontier.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay for supplies furnished, and to purchase supplies for the troops now on the frontier, which appropriation shall be paid out of the United States bonds now in the Treasury, arising from the sales of the University lands; the said bonds to be paid out at their common market value, and the amount so paid shall become a charge against the State, and be returned to the University fund without interest whenever the condition of the Treasury will allow the same to be done.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

 CHAPTER XX.

AN ACT To extend the time for the survey of Railroad certificates heretofore issued.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the owners of railroad certificates heretofore issued which have not been or which may not be located and surveyed within the time prescribed by law, shall have twelve months further time in which to survey the same.

Approved Feb. 8, 1861.

 CHAPTER XXI.

AN ACT To appropriate money to pay Minute Men for service on the frontier.

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out

of any money in the Treasury not otherwise appropriated, for the payment of Minute Men engaged in defence of the frontier during the year 1860, by order of the Governor, and those that may render service under the existing laws during the present year.

SEC. 2. That payments shall be made to the parties entitled thereto by the Comptroller of the State every three months, on pay rolls properly certified, and in case there shall not at any time be a sufficient amount of funds (over and above what may be necessary to defray the ordinary current expenses of the government) to make said payment, then it shall be the duty of the Comptroller, Treasurer and Governor to issue a warrant on the Treasury for such amount, in accordance with existing laws on the subject.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XXII.

AN ACT Supplemental to an act entitled "An act to provide for submitting the ordinance of secession to a vote of the people," passed at the present session.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor be and he is hereby authorized and required to issue forthwith his proclamation for the election provided for in the act to which this is a supplement, directing the vote to be taken and returns to be made in the manner prescribed in said act, and in the ordinance of the Convention on the subject.

SEC. 2. In addition to the returns to be made as provided in the ordinance aforesaid, it shall be the duty of the county officers to whom returns of said election are made, to make returns of their respective counties to the Secretary of State; and such returns shall be filed, and counted by him in the presence of the Governor and Attorney General; any returns received within fifteen days after the second day of March, 1861, shall in like manner be filed and counted, and all such returns shall become a record of the State Department.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved, *with a protest against the short time allowed for notice,* February 9, 1861.

CHAPTER XXIII.

AN ACT authorizing Treasury Warrants to be received in payment of certain dues.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Comptroller and Treasurer shall receive Treasury Warrants for money in settlement with any individual indebted to the State, for lands under the different pre-emption laws, or laws authorizing the sale of University lands, or laws providing for the sale of the public domain. Provided, that the Comptroller and Treasurer shall transfer to the credit of the University and common school fund such warrants as may be received in payment for lands appropriated for the university and for common schools, respectively. Which said warrants shall be paid out of any money in the Treasury not necessary to pay other appropriations.

SEC. 2. The Board of School Commissioners are hereby authorized to receive Treasury Warrants in payments of the two per cent. for a sinking fund, payable by railroad companies in whose bonds the special school fund has been, or may hereafter be invested; and said warrants shall be held for the credit of said special school fund in like manner as provided by law for the investment of said sinking fund in State stocks.

SEC. 3. Where Treasury Warrants are tendered under the provisions of this act in payment of any indebtedness, the interest shall be computed and allowed, and where the warrants exceed the indebtedness, the holder shall be entitled to a warrant for the residue.

SEC. 4. That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved February 9, 1861.

CHAPTER XXIV.

AN ACT supplementary to an act providing for the appointment of Pilots, passed April 7, 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor be and he is hereby authorized and

required to appoint, by and with the advice and consent of the Senate, not less than two nor more than four competent persons to act as Pilots in Matagorda and Lavaca Bays, from Pass Cavalla to Indianola and Lavaca, in this State ; and the person or persons so appointed shall hold their offices for two years, and until their successors are appointed and qualified in the manner provided for in this act. Before any person appointed under the provisions of this act shall enter upon the discharge of his duties, he shall execute and deliver to the Chief Justice of Calhoun county a bond with two or more good and sufficient sureties, to be approved by the said Chief Justice, and payable to the Governor of the State, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office, and shall also take and subscribe the oath of office prescribed by the Constitution, which oath shall be endorsed on or annexed to said bond, with the certificate of the officer administering the same, said bond and oath shall be recorded in the office of the Clerk of the County Court, and deposited therein : and said bond shall not be void on the first recovery, but may be sued on from time, in the manner of any person or persons injured by a breach thereof, until the whole penalty shall have been recovered.

Whenever a vacancy shall happen in the office of Pilot during the recess of the Senate, the Governor shall have power to make an appointment to fill such vacancy, and the person so appointed shall continue to perform the duties of his office until a successor is appointed and qualified in the manner provided for original appointments.

If any person not appointed a pilot or deputy pilot shall pilot any ship or vessel through the channel of said bays, up or down, the person so piloting shall be liable to any pilot duly licensed, full pilotage to be recovered by suit before any Justice of the Peace in said county. Each pilot appointed under the provisions may, by writing under his hand, appoint a deputy pilot to discharge his duties ; but he shall be responsible for all official acts of such deputy, in like manner as if such act were done by himself. It shall be the duty of the pilots of the aforesaid Bays to keep the channels always properly staked and marked out ; and in default thereof they shall be subject to removal or suspension. All vessels that draw five feet of water and more, under this law, shall be subject to pay any licensed pilot half pilotage, who shall hail said vessel and offer his services as pilot, in case said vessel chooses to proceed without a pilot. The rate of pilotage for the Bays aforesaid shall be two dollars and fifty

cents for each foot of water which the vessel draws at the time of piloting. The Governor shall appoint, with the consent of the Senate, or without their consent during its recess, a Board of Commissioners of Pilots for said Bays aforesaid, in accordance with the provisions of the act of which this is a supplement. The duties of the Board of Commissioners and of the pilots not herein enumerated, shall be the same as provided in the original act of April 7, 1846, of which this act is a supplement; and they shall be subject to suspension or removal for the same causes and by similar process.

SEC. 2. That this act shall take effect from and after its passage.

Approved February 9, 1861.

CHAPTER XXV.

AN ACT to reorganize the Eighth and Twentieth Judicial Districts, and to define the time of holding the District Courts therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the District Courts in the several counties, comprising the Eighth Judicial District, shall be holden twice in each year, as follows :

Beginning in the county of Cass, on the second Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Bowie, on the fourth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Red River, on the sixth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Lamar, on the ninth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Hopkins, on the eleventh Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Titus, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Marion, on the fifteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

SEC. 2. That the counties of Hunt and Fannin shall be attached to and become a part of the Twentieth Judicial District, and the Courts in said counties shall be held twice in each year, as follows:

In the county of Hunt, on the last Mondays in January and July, and may continue in session one week.

In the county of Fannin, on the eighteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

SEC. 3. That all writs and process that have been or may hereafter be issued from any of the District Courts of the Eighth Judicial District, and from the District Courts of the counties of Hunt and Fannin, shall be returnable as provided by this act, and all bonds and recognizances that have been or may hereafter be made so returnable, shall be returned to the terms specified in this act, and shall have the same force and effect as if made so originally returnable.

SEC. 4. That all cases of appeal or writs of error from the decisions of the District Courts of the counties of Hunt and Fannin shall be returnable to the branch of the Supreme Court at Tyler, and all laws and parts of laws conflicting with this act be and the same are hereby repealed.

SEC. 5. That this act take effect and be in force from and after first day of July, 1861.

Approved February 13, 1861.

CHAPTER XXVI.

AN ACT changing the time of holding the District Court in the Ninth Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the District Courts of the Ninth Judicial District shall hereafter be held as follows:

The District Court of Houston county shall be held on the third Mondays of February and August, and may continue in session three weeks.

The District Court of Cherokee county shall be held on the third Monday after the third Mondays of February and August, and may continue in session five weeks.

The District Court of Anderson county shall be held on the eighth Mondays after the third Mondays of February and August, and may continue in session four weeks.

The District Court of Henderson county shall be held on the twelfth Monday after the third Mondays of February and August, and may continue in session three weeks.

The District Court of Smith county shall be held on the fifteenth Monday after the third Mondays of February and August, and may continue in session until the business is disposed of.

And all writs and other process of every description pertaining to said Courts shall be returned in accordance with the provisions of this act.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 19, 1861.

CHAPTER XXVII.

AN ACT to amend the third section of an act entitled "An Act to regulate the descent and distribution of intestate estates," approved March 18, 1848.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That section third of "An Act to regulate the descent and distribution of intestate estates," approved March 18, 1848, be and the same is hereby amended so as to read as follows :

There shall be no distinction in regulating the descent and distribution of intestate estates between property which may have been derived by such intestate by gift, devise or descent, from the father, and that which may have been derived by gift, devise or descent from the mother ; and all the estate to which such intestate may have had title at the time of death shall descend and vest in the heirs of such person in the same manner as if he or she had been the original purchaser thereof: *Provided*, however, that if such intestate was the legally adopted heir of another in accordance with "An Act to prescribe the mode of adoption," approved January 16, 1850, and dies leaving no surviving husband or wife and no children, then so much of his or her estate as was obtained by gift, devise or descent, from the person adopting him or her, shall descend to the person and his or her heirs who adopted such intestate.

SEC. 2. That all laws and parts of laws conflicting with this act be and the same are hereby repealed ; and this act shall take effect and be in force from and after its passage.

Passed March 20, 1861.

CHAPTER XXVIII.

AN ACT to provide for the funding of the debt contracted for the protection of the frontier.

WHEREAS, the State of Texas has incurred an indebtedness under the several laws passed for the protection of the frontier from Indian and Mexican invasion, the liquidation of which should be provided for ; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That there shall be issued the bonds of the State of Texas for the sum of three hundred thousand dollars, or so much as may be necessary, payable on first day of July, 1871, bearing interest at the rate of eight per cent. per annum, payable on the first days of July and January of every year, for which coupons shall be attached. Said bonds shall be signed by the Comptroller and Treasurer and countersigned by the Governor, and shall be in bonds of one hundred dollars and one thousand dollars.

SEC. 2. The holder of any warrant issued under the laws for the protection of the frontier or for pay for minute men, may present the same to the Comptroller, and have the same exchanged for the bonds by this act authorized to be issued.

SEC. 3. There is hereby set apart and especially pledged for the payment of the interest upon these bonds, and as a fund for the redemption of the principal, one-tenth part of the annual revenue derivable from direct taxes ; and for the same purpose there is also hereby especially pledged and set apart all moneys arising from the sales of Indian reserved lands hereafter to be made.

SEC 4. This act shall take effect and be in force from and [after] its passage.

Approved March 20, 1861.

CHAPTER XXIX.

AN ACT for the relief of the Memphis and El Paso Railroad Company, and all other railroad companies.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That that portion of the Memphis, El Paso and Pacific Railroad between the city of Jefferson, in the county of Marion, and Morris's Landing, on Sulphur Fork of Red River, be entitled to receive certificates for land, in number and quantity as follows, to wit: Whenever it shall be made known to the Commissioner of the General Land Office of this State, by report under oath, from the President and Chief Engineer of said railroad company that any division of five continuous miles is graded and ready for the superstructure of said road, said Commissioner is hereby required to issue to said company, in their corporate name, for each mile thereof, ten certificates for land of six hundred and forty acres each, which certificates, when issued, may be located and patented as other certificates issued to said company, under its charter: *Provided,* that this act shall not be so construed as to extend to any other portion of said road; nor that it shall be construed to grant any more or any less lands to said division of said road than is now granted under the charter of said road, and under the general railroad laws of this State: *Provided,* that the provisions of this act shall apply and inure to the benefit of all the railroads in this State, for the distance of forty-five miles, now organized and having an existing *bona fide* contract for the construction of not less than ten miles.

SEC. 2. That this act take effect and be in force from and after its passage.

Passed March 20, 1861.

 CHAPTER XXX.

AN ACT to prescribe the pay and mileage of the Members, and pay of the Officers, of the State Convention, and to make an appropriation for the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Members and Officers of the State Convention shall be entitled to receive the same *per diem* pay and mileage as Members and Officers of the State Legislature are entitled to

by law, to be paid upon the certificate of the Secretary of the Convention; *provided*, however, that the Members of the Legislature who are also delegates to the Convention shall not receive any mileage as Members of the Convention.

SEC. 2. That the sum of eighty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the annual taxes for 1860, and may be paid by drafts drawn on Assessors and Collectors by the Comptroller of the State.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 23, 1861.

CHAPTER XXXI.

AN ACT Supplemental to an act making an appropriation to defray the expenses of the Convention, passed 23d day of March, A. D. 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Members of the Convention shall be entitled to receive mileage for the adjourned session of the Convention, and that the same shall be paid out of the appropriation made to defray the expenses of the Convention, and in the manner prescribed in the bill to which this is a supplement.

SEC. 2. That the Comptroller and Treasurer are hereby authorized and required to audit and allow the pay of the Officers of the Convention at the terms and figures allowed and fixed by the Convention for their services; to be paid out of the fund appropriated by the act to which this is a supplement for the pay of the Convention.

SEC. 3. This act shall be in force from and after its passage.

Approved March 29, 1861.

CHAPTER XXXII.

AN ACT Further regulating proceedings in the District Court.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That in all suits where service of process has been made by publication, and the defendant has not answered, whenever it

becomes necessary to serve the defendant with any notice of the filing of instruments of writing, or notice to produce deeds or papers, service of such notice may be made at any time after the first day of the term of the Court to which such process has been returned, executed by filing such notice in Court among the papers of the suit at least two days before the trial thereof; and in such suits, whenever it becomes necessary to serve the defendant with notice of the filing of interrogatories, service of such notice may be made at any time after the first day of the Court to which such process has been returned, executed by filing such notice among the papers of the suit at least twenty days before the issuance of a commission to take the answers to such interrogatories.

SEC. 2. The provisions of this act in respect to the service of notices are merely cumulative.

SEC. 3. This act shall take effect from and after its passage.
Approved April 1, 1861.

CHAPTER XXXIII.

AN ACT To amend the second section of an act to re-organize the Fifteenth Judicial District, and to regulate the time of holding Courts therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the second section of an act to reorganize the fifteenth judicial district, and regulate the time of holding courts therein, approved February 16, 1858, be amended so as to hereafter read as follows :

SEC. 2. The district courts of the fifteenth judicial district shall commence in Chambers county on the second Mondays in March and September, and may continue in session one week.

In Liberty county on the third Mondays in March and September, and may continue in session two weeks.

In Polk county on the second Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Trinity county on the fourth Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Tyler county on the sixth Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Hardin county on the eighth Mondays after the third Mon-

days in March and September, and may continue in session one week.

In Jefferson county on the ninth Mondays after the third Mondays in March and September, and may continue in session one week.

In Orange county on the tenth Mondays after the third Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 3. That this act take effect from and after the first day of July next.

Approved April 1, 1861.

CHAPTER XXXIV.

AN ACT To amend the first section of an act entitled "An act to amend the fourth section of the act of May 12, 1846, entitled 'an act to regulate the license and practice of Attorneys and Counsellors at Law,' and to amend the second section of the act of Feb. 11, 1854, entitled 'an act to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counsellors at Law,'" approved Jan. 24, 1860.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of the above entitled act is hereby amended so that the same shall hereafter read as follows, to-wit : Every person admitted to practice law shall, before receiving license, take an oath that he will support the Constitution of this State, that he will honestly demean himself in the practice of the law, and will discharge his duties to his clients to the best of his ability, which oath shall be endorsed upon his license, subscribed by him, and attested by the officer administering the same.

SEC. 2. This act shall be in force from and after its passage.
Approved April 1, 1861.

CHAPTER XXXV.

AN ACT to fix the time for holding the District Courts in the Seventh Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Courts of the Seventh Judicial District shall hereafter begin and be held as follows :

In Walker county on the third Mondays of March and October, and may continue for two weeks.

In Grimes county on the second Monday after the third Mondays of March and October, and may continue for two weeks.

In Montgomery county on the fourth Monday after the third Mondays of March and October, and may continue for two weeks.

In Harris county on the sixth Monday after the third Mondays of March and October, and may continue for five weeks.

In Galveston county on the eleventh Monday after the third Mondays of March and October, and may continue until the business is disposed of.

SEC. 2. All writs and process issued or that may be issued prior to the taking effect of this act, shall be held and considered as returnable to the terms as fixed by this act.

SEC. 3. That this act shall take effect from and after the first day of August next, and all laws in conflict herewith are hereby repealed.

Approved April 1, 1861.

CHAPTER XXXVI.

AN ACT to define the line between Bell and Milam Counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the boundary line between the counties of Bell and Milam shall hereafter be as follows : Beginning on the northern line of Williamson county at a point S. 19° W. from the southeast corner of the Jesse Mumford league ; thence N. 19° E. to said corner, and with said Mumford's east line to Little River, and in the same course to a point S. 60° W. from the southwest corner of Falls county, as now established ; thence N. 60° E. to the southwest corner of Falls county : *Provided*, that if said first named line should strike the line running S.

60° W. from the corner of Falls county, before reaching Little River, the corner shall be made at such point of intersection; and the line run therefrom N. 60° E. to said corner of Falls county.

SEC. 2. That George Green, of Milam county, and R. P. Bigham, of Bell county, are hereby appointed Commissioners and Surveyors to run and mark said line in accordance with the boundaries hereby established, each of whom shall be paid by his respective county the usual fees for similar work, and ten dollars additional for mileage, making out duplicate field notes of the work, and having the same duly authenticated and recorded in the office of the County Clerk of his county. Said line shall be run within ninety days after the passage of this act, which shall take effect from and after its passage.

Approved April 4, 1861.

CHAPTER XXXVII.

AN ACT to provide for running the County lines between the Counties of Marion, Cass and Titus.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That Isaac A. Clare be and he is hereby appointed and constituted a commissioner, under oath, to run and mark the county lines between the counties of Marion, Cass and Titus, in accordance with the provisions of an act approved February 8, 1860, entitled "An Act creating the county of Marion, and providing for the holding of the District Courts therein." The said county lines to be run and marked, and a copy of the field notes returned to each of the said counties on or before the first day of June next, and when so run, marked and the field notes thus returned, the same shall be recognized and held valid as the boundary line between said counties.

And the said commissioner shall be entitled to receive the same fees as are allowed by law for surveying. The same to be paid equally by the counties of Marion and Cass, in proportion to the length of the lines in which each are interested. And that an act to provide for running the county lines between the counties of Marion, Cass and Titus, approved February 8, 1861, be and the same is hereby repealed, and this act take effect from its passage.

Approved April 4, 1861.

CHAPTER XXXVIII.

AN ACT To attach the county of Wichita to the county of Clay, so as to form one land district.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the county of Wichita be and the same is hereby attached to the county of Clay, so as to form one land district; and the laws in conflict with this act be and the same are hereby repealed.

SEC. 2. That all legally performed business of the Surveyors of said territory, in the district to which they now belong, shall be valid until the necessary and legal transcripts are obtained for the district created by this act; and that this act take effect from and after its passage.

Approved April 4, 1861.

CHAPTER XXXIX.

AN ACT To authorize the county courts of the several counties to transfer portions of the jury fund to the general county fund.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the county courts of the several counties may at any time, by order made and entered in the records of the county court at any regular term of such court, transfer from the jury fund to the general county fund of such county any portion of the jury fund in the Treasury of the county, over and above such sum as may be necessary to pay the jury expenses of the next succeeding term of the District Court of such county, and the like expenses previously due from said fund; and the fund so transferred shall be subject to appropriation and use by said court, in like manner as other county funds.

SEC. 2. This act shall be in force from and after its passage.

Approved April 4, 1861.

CHAPTER XL.

AN ACT To attach the county of Edwards to the county of Uvalde, for judicial and other purposes, until organized.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the territory comprising the county of Edwards

shall be considered attached [to] and part and portion of the county of Uvalde, for all judicial purposes, until it shall have been organized under the law creating it, and that the county and district courts of the county of Uvalde shall have full and entire jurisdiction over the county of Edwards until such organization.

SEC. 2. That the Assessor and Collector of the county of Uvalde is authorized and required to assess and collect the taxes, both State and county, from all persons (and on all property subject to taxation,) living in the county of Edwards, the same as if they were citizens of the said county of Uvalde; *provided*, that the taxes for the year 1861 shall be assessed and collected under the law heretofore in force.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved April 4, 1861.

CHAPTER XLI.

AN ACT To supply deficiencies in former appropriations for frontier protection, and to provide for future expenses.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the sum of one hundred thousand dollars be and is hereby appropriated to supply deficiencies in former appropriations for any kind of services recognized by law for the protection of the frontier, or for any service to be hereafter performed under the authority of law.

SEC. 2. That the appropriation made by an act approved Feb. 8, 1861, for minute service, shall also be applied for the payment of any service rendered on the frontier in conformity with law.

SEC. 3. That this act go into effect from and after its passage.

Approved April 5, 1861.

CHAPTER XLII.

AN ACT To change the boundary line between the counties of Goliad and Victoria.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the boundary line between the counties of Goliad and Victoria shall hereafter be as follows: Beginning at the present corner of said counties, on the North bank of the San Antonio river; thence running in a straight line to the mouth of the Perdido creek.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 5, 1861.

CHAPTER XLIII.

AN ACT to amend an act to amend the 4th, 7th, 8th, 15th, 18th and 34th sections of an act to provide for the assessment and collection of taxes; approved Feb. 11, 1850—approved Feb. 11, 1860.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the 3d section of said act amending the 8th section of the act of 11th Feb., 1850, be so amended as hereafter to read as follows: That each person being a resident citizen of this State, owning or claiming surveyed lands situated in any other county than that in which he resides, may render the same for assessment to the Assessor and Collector of the county where he resides, in the same manner as other property, together with a full and complete description thereof, and the name of the original grantee, its number on the abstract, and all Railroad and Canal Companies, and Colonization Companies, and all other persons residing beyond the limits of the State, may in like manner render the same for assessment to the Assessor and Collector of any county in the State; *provided*, that nothing herein contained shall be so construed as to prevent non-residents, or persons who own lands situated in other counties than those in which they reside, from giving them in for assessment in the county in which they are situated, as other citizens of such county. That any Assessor and Collector who shall fail or neglect to discharge the duties required of him by the 2d section

of this act, shall forfeit the sum of fifty dollars for each case of such failure or neglect, to be recoverable before any Justice of the Peace of the county in which such Assessor and Collector resides ; and the informer shall be entitled to one half of such forfeiture, and the other half shall be paid into the county Treasury.

SEC. 2. That this act shall take effect on the assessments of the present year, and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLIV.

AN ACT Concerning contested elections of Judges of the District Courts.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the record upon an appeal, or writ of error, taken from the judgment of any one of the District Courts of this State, in any case involving the contest of an election of any District Judge, shall be made up, and the transcript for the Supreme Court prepared, as soon as practicable, and shall be returnable, forthwith, to the said Supreme Court, at either of the three terms, held annually, without reference to which of said terms it would be returnable, under the general law, in order that said appeal or writ of error may be tried as speedily as possible by the said Court, at the place it may be holding its sessions at the time ; or if not in session, or about to adjourn, at the session of said Court next ensuing, wherever held ; *provided*, however, that any case which may be now pending in any county from which causes generally are returned to the Supreme Court at Ga'veston, shall be returned to the next term of said Court, to be holden in the city of Austin.

SEC. 2. The clerks of the District Courts shall not allow either party to control the record in any case of contested election, referred to in this act, but shall transmit it as soon as completed to the clerk of the Supreme Court, who shall expedite it to the proper term. On receipt of such record the Supreme Court shall allow reasonable time for argument, by brief and otherwise, after which it shall proceed to dispose of the case, as entitled, from its public character, to preference in time over ordinary cases, and the trial and disposition of such cases shall proceed without reference to the rules established by law, fixing

the order in which particular districts, or the causes from the same, shall be taken up, tried or decided; the object of this act being to require as speedy a trial and determination of such cases as is consistent with justice.

SEC. 3. This act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLV.

AN ACT In relation to the School Fund derivable from taxation, under the provisions of the second section of the tenth article of the Constitution of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That hereafter the entire amount of the one-tenth of the annual revenue derivable from taxation, and appropriated as a school fund, under the provisions of the second section of the tenth article of the Constitution of the State, shall be annually applied and distributed for the support of schools, under the provisions of the several laws providing for the establishment and support of public schools, in the same manner as is or may be provided for the distribution of the interest accruing on the special school fund.

SEC. 2. That the provisions of all laws, so far as they conflict with this act, are hereby repealed, and this act shall be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLVI.

AN ACT To apportion the State of Texas, and to regulate the election of Members of Congress.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the State of Texas be and is hereby divided into six Congressional Districts, as follows:

1. Calhoun, Refugio, Bee, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval, Live Oak, McMullin, La Salle, Dimmit, Maverick, Zavala, Frio, Atascosa,

Goliad, Victoria, DeWitt, Karnes, Gonzales, Guadalupe, Wilson, Bexar, Medina, Uvalde, Dawson, Kinney, Bandera, Comal, Hays, Blanco, Kerr, Edwards, Gillespie, Kimble, Llano, Mason, Menard, San Saba, McCulloch, Concho, Presidio and El Paso counties, shall compose the first Representative District, and elect one Representative to Congress.

2. Caldwell, Jackson, Matagorda, Wharton, Lavaca, Colorado, Fayette, Bastrop, Travis, Burnet, Lampasas, Bell, Brazoria, Fort Bend, Austin, Washington, Burleson, Williamson and Milam counties, shall compose the second Representative District, and shall elect one Representative to Congress.

3. Galveston, Harris, Montgomery, Grimes, Walker, Leon, Madison, Brazos, Robertson, Limestone, Freestone, Navarro, Ellis, Falls, McLennan, Coryell, Bosque, Hill, Comanche, Hamilton, Johnson, Erath, Eastland, Brown, Coleman, Runnels, Callahan and Taylor counties, shall compose the third Representative District, and shall elect one Representative to Congress.

4. Sabine, Shelby, Panola, Angelina, Nacogdoches, San Augustine, Polk, Tyler, Jasper, Newton, Orange, Hardin, Liberty, Jefferson, Chambers, Cherokee, Trinity, Houston and Anderson counties, shall compose the fourth Representative District, and shall elect one Representative to Congress.

5. Harrison, Upshur, Rusk, Wood, Smith, Van Zandt, Henderson, Kaufman, Dallas, Tarrant, Parker, Palo Pinto, Buchanan, Shackelford and Jones counties, shall compose the fifth Representative District, and shall elect one Representative to Congress.

6. Bowie, Cass, Marion, Red River, Titus, Lamar, Hopkins, Fannin, Hunt, Collin, Grayson, Cook, Denton, Montague, Wise, Clay, Jack, Young, Throckmorton, Haskell, Hardeman, Wilbarger, Wichita and Greer counties, shall compose the sixth Representative District, and shall elect one Representative to Congress.

SEC. 2. That an election shall be ordered to be held on the first Monday in August, 1861, and every two years thereafter, for Representatives to Congress from each of said districts, and the returns of the election from each of said Representative Districts shall be made to the Secretary of State by the Chief Justices of the various counties, who shall open and compare the returns, and give a certificate of election to the person receiving the highest number of votes; *provided*, that if the Congress of the Confederate States shall fix another day for the election, then the election shall be held upon the day so fixed.

Approved April 6, 1861.

CHAPTER XLVII.

AN ACT Prescribing the manner of authenticating instruments for record.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the proof of every instrument of writing for record shall be taken by some one of the following officers: First, when acknowledged or proven within the State before some Notary Public, Clerk of the County Court, or Judge of a Court of Record; second, when acknowledged or proven without this State and within the Confederate States of America, or their territories, or the United States of America or their territories, before some Judge of a Court of Record having a seal; third, when acknowledged or proven without the United States, or Confederate States, before some public Minister, Charge d'Affairs or Consul of the Confederate States: And in all cases the certificate of such acknowledgment or proof shall be attested under the official seal of the officer taking the same.

That when any deed, transfer or other instrument of writing executed by the president of any railroad company, which has or may be incorporated by the laws of this State, shall be attested by the seal of said company, it shall be considered sufficiently authenticated to authorize the Clerk of the County Court to record the same.

SEC. 2. That the provisions of all laws so far as they conflict with this act be and they are hereby repealed.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLVIII.

AN ACT supplemental to an act making an appropriation for the per diem pay and mileage of the members and officers of the Convention.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Comptroller and Treasurer be authorized to audit and allow out of the fund appropriated by the act to which this is a supplement, the following contingent expenses of the Convention, viz: Hire of three clerks in copying ordi-

nances of Convention, for the Legislature, five dollars each, amounting to fifteen dollars ; George G. Simcox for enrolling the Ordinance of Secession on parchment, twenty dollars ; porter hire, three negroes, (\$25 50 each) seventy-six dollars and fifty cents ; recording the journals of the Convention for deposit in the office of the Secretary of State, in pursuance of an ordinance of the Convention, or so much thereof as may be necessary, at fifteen cents per hundred words, five hundred and fifty dollars, to be paid after the recording shall have been completed and deposited in the office of the Secretary of State : For printing done for the Convention or by its authority, the sum of three thousand dollars, or so much thereof as may be necessary, the same to be audited and paid for at the same rate as is by law provided for similar printing for the State. Amount to be paid W. L. Chalmers for assistant services as Secretary to the Convention, forty dollars.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLIX.

AN ACT supplemental and amendatory of the act creating the County of Kaufman, approved February 26, 1848.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the south boundary line of Kaufman county and the north boundary of Henderson county shall hereafter run as follows, to-wit: Beginning at the point where said boundary line crosses Cedar Creek, and run thence down said Cedar Creek to the mouth of Twinn Creek ; thence due west to the Trinity river ; thence up said river to the point where said original boundary line corners on said river : and that the territory thus described be and the same is hereby attached to and made a part of the county of Kaufman.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER L.

AN ACT to amend the "act supplemental to An Act to regulate estrays," approved 5th February, 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of the above recited act be amended so that the same shall hereafter read as follows : *Section 1,* That no animal of any description shall be estrayed in any county in this State where the mark and brand of the animal is of record in said county, unless the person who claims the mark and brand recorded shall be notified and disclaim the ownership of the animal ; and it shall be the duty of every person before estraying an animal to examine the record of marks and brands of the county in which he lives, and he shall show by his affidavit filed in order to stray any animal, that the same is subject to be estrayed, and that he has complied with the requisitions of the law.

SEC. 2. This act shall take effect from and after its passage.
Approved April 6, 1861.

CHAPTER LI.

AN ACT authorizing a loan and imposing a specific tax, to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State shall cause to be executed the bonds of the State for the sum of one million of dollars in sums of one thousand dollars each, redeemable in sixteen years, and bearing interest at the rate of eight per centum per annum, payable semi-annually ; with coupons for the semi-annual interest attached, payable on the first day of July and first of January, of each year. The bonds shall be signed by the Governor and Treasurer, and shall be registered by the Comptroller, who shall certify the fact of such registration on the back of the bonds, and the coupons shall be signed by the Treasurer. The bonds and coupons shall be payable at some bank in the city of New Orleans, in the State of Louisiana.

SEC. 2. The Governor shall appoint an agent to negotiate the

sale of said bonds from time to time, and to place the proceeds of such sales in some bank in the city of New Orleans, to be subject to the order of the Comptroller of the State, and by him to be placed in the State Treasury. Said agent shall be governed in his negotiations by the instructions of the Governor.

SEC. 3. The proceeds of the sales of said bonds shall be applied to the following objects, and no other purpose whatever: To the payment of all indebtedness of the State created for the defence of the frontier, and to the payment of appropriations which have been or may hereafter be made for the military defence of the State. To the repayment of all the disbursements made from the Treasury or anticipated from the accruing revenue of the State, or from any special fund or funds in the State Treasury to meet appropriations to pay the expenses of the State Convention, and of the extra and adjourned sessions of the eighth Legislature.

To the payment of all appropriations made to meet the debts created or incurred by authority of the State Convention, and to meet any deficit in appropriations made to meet the expenses of said Convention, and of the expenses of the extra and adjourned sessions of the eighth Legislature.

To the payment of any deficit in the appropriations made to meet the ordinary expenses of the Government for the year 1861, arising from the anticipation of the revenue to meet extraordinary demands.

SEC. 4. There shall be levied and collected, to pay the interest on said bonds as they fall due, and to pay and discharge the principal thereof, a specific, direct annual *ad valorem* tax of four cents upon each hundred dollars value of property real and personal in this State (except such property as is now exempt by law from taxation), which tax shall be levied and collected by the same persons, and at the same time and in the same manner as is or may hereafter be provided by law for the collection of the direct *ad valorem* State tax, to meet the ordinary expenses of the State government, and all laws now, or which may be hereafter, in force in this State for the levying and collection of the other direct State taxes for the use of the State, shall also apply to the levying and collection of the specific direct annual *ad valorem* tax of four cents upon each hundred dollars value of property, real and personal, as authorized by this act. No part of the specific tax authorized by this section shall be appropriated to any other purpose whatever, but exclusively to the payment of the principal and interest of the loan specified in this act.

SEC. 5. For the payment of the principal and interest of said bonds, the faith of this State is pledged, in addition to the specific tax herein specified and pledged.

SEC. 6. The specific tax imposed by this act shall remain in force and be irrevocable, and be annually collected, until the proceeds thereof shall have made full provision to pay and discharge the principal and interest bonds provided for by this act. *Provided*, that whenever the State shall have retired and canceled one-fourth of this issue of one million dollars of bonds, it shall be the duty of the Comptroller of the State to decrease the specific tax herein provided for one cent on the one hundred dollars of the value of the real and personal property assessed; and upon the retiring of each additional sum of two hundred and fifty thousand dollars of this issue of bonds, one cent on the one hundred dollars of said specific tax shall be taken off.

SEC. 7. The money realized by the specific tax provided for in this act shall be applied first to the payment of the interest coupons maturing upon this issue of bonds, and the residue shall be deposited in the State Treasury and constitute a special sinking fund for the redemption of the principal of said bonds.

Whenever fifty thousand dollars of said sinking fund shall have accumulated in the Treasury, it shall be the duty of the Governor to cause the Comptroller and Treasurer to invest said amount in the redemption of said bonds. For which purpose the Comptroller shall give thirty days notice by publication in one newspaper printed in the city of New Orleans, and one in the city of Austin, that he will redeem or purchase said amount of bonds from the lowest bidder, and he shall receive sealed proposals therefor, to be opened by him in the presence of the Governor and Treasurer, and they shall redeem the bonds offered at the lowest rate. *Provided*, that in no instance shall said officers pay a higher rate for said bonds than ten per centum premium on their par value; *and further provided*, that in case they can not be purchased at a rate within the limits aforesaid, then the said officers may invest said sinking fund in the bonds of the Confederate States of America: *Provided* they can be obtained within the same limits as to price. And said Federal bonds shall be placed in said special sinking fund.

SEC. 8. The plate upon which the bonds are engraved shall be returned to the Governor and Comptroller, with the bonds, and shall be by them destroyed.

The agent appointed by the Governor for the purpose herein contemplated may be allowed such reasonable compensation for

his services as shall be agreed upon and established by the Governor, Comptroller and Treasurer, or a majority of them.

SEC. 9. Five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses incurred in carrying out this act.

SEC. 10. The specific tax provided for by this act shall also be imposed on the assessments of the present year.

SEC. 11. That this act take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LII.

AN ACT To amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Courts, approved May 13, 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section seventy-first of "an act to regulate proceedings in the District Courts," approved May 13, 1846, be amended so as hereafter to read as follows: Section 71. When a witness in any civil suit resides beyond the limits of the State, either party may take his deposition, by filing interrogatories in the court where the suit is pending, and serving a notice, with a copy of such interrogatories, upon the opposite party, his agent or attorney, in the same manner as required for the depositions of witnesses residing in the State; and on or after the fifth day of the service of such notice and a copy of the interrogatories, it shall be the duty of the clerk with whom such interrogatories are filed, upon the application of the party filing them, his agent or attorney, to issue a commission, directed to any public officer of any town, city, district, county or State, or other political division of any government beyond the limits of this State, having and using a seal to authenticate their official acts; or to any consul, minister, or secretary of legation of the Confederate States, where it is stated in the notice that such witness resides, requiring such officer, to cause the witness to come before him, and to take his answers to said interrogatories, a certified copy of which shall be annexed to such commission. The commission shall be signed by the clerk issuing it, and sealed with the seal of the court; the officer to whom any such commission is directed, upon the appearance of the witness before

him, shall take his answers to the interrogatories, which shall be reduced to writing and shall be signed and sworn to by the witness, when the officer taking the same shall certify under his hand and seal of office that the answers were signed and sworn to by the witness before him, and seal them up in an envelope with the interrogatories and the commission, with his name across the seal, endorse and direct the envelope in like manner as is required for depositions taken within the State; and all depositions so taken may be returned into court in like manner as depositions taken within the State. And all depositions which have heretofore been taken, or for which commissions have issued beyond the limits of this State in accordance with the provisions of the pre-existing laws, shall be as valid and effectual as if the same had been taken as herein provided. Where depositions are taken in any State or country beyond the limits of the Confederate States, except the United States of America, the official character of the officer taking the same, unless he be an officer of this or the Confederate States, shall be certified to by a minister, secretary of legation, or consul, of the Confederate States, or by the Secretary of State, or some equivalent officer, of the State or country in which such depositions are taken.

SEC. 2. That section 92 of the act aforesaid be so amended as hereafter to read as follows: Sec. 92. That the printed statute books of this State shall be evidence of the private acts therein contained; and the printed statute books of the United States, and of the several States and Territories of the United States and Confederate States, purporting to have been printed under the authority of such governments, or either of them; and a certified copy, under seal of the Secretary of State of this State, of any act or resolution contained in the printed statute books of the United States, or of any State or Territory thereof, or of any State or Territory of the Confederate States, purporting to be printed under the authority of such government, State or Territory; and copies of private bills, certified to by the Secretary of State, and attested by his seal of office, which being deposited in the office of Secretary of State of this State, shall be evidence in like manner.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1861.



CHAPTER LIII.

AN ACT Supplemental to "an act to apportion the State of Texas, and to regulate the election of Members of Congress."

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the counties of Archer, Baylor, and Knox, be and they are hereby attached to the sixth district, as fixed by the first section of the act to which this is a supplement.

SEC. 2. That the second section of the act to which this is a supplement shall hereafter read as follows :

SEC. 2. That an election shall be ordered to be held on the first Monday of August, 1861, and every two years thereafter, for Representatives in Congress from each of said districts; and the returns from each county shall be made by the Chief Justice thereof, to the Secretary of State, within forty days after said election, who shall open and count the same and report the result to the Governor, who shall give the person having the highest number of votes, in each district, a certificate of election; *provided*, that if the Congress of the Confederate States shall fix another day for the election, then the election shall be held upon the day so fixed; and that this act take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LIV.

AN ACT Making an appropriation for the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the adjourned session of the Eighth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the members of the adjourned session of the Eighth Legislature shall be entitled to mileage at the same rate that members are entitled by law to receive at the regular sessions, and that the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the current State revenues arising from the assessments of the year 1860, for the mileage and per diem pay of the members, and the per diem pay of the officers, of the adjourned session of the Eighth Legislature. The certificate of the Chief Clerk of the House of Representatives, and that of the Secretary of the

Senate, for their respective bodies, shall be sufficient authority for the Comptroller to draw his drafts or warrants for the respective amounts thereof, and in case the money is not in the Treasury, the drafts of the Comptroller may be drawn on the Assessors and Collectors, or his warrants on the Treasury, at the option of the member or officer, for the amounts.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LV.

AN ACT To amend the act of March 15, 1848, entitled "An act to provide for the election of Electors of President and Vice President of the United States," and to repeal the 8th section of said act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the caption of said act shall hereafter read as follows : An act to provide for the election of Electors of President and Vice President of the Confederate States of America.

SEC. 2. That the first section of the above recited act is hereby amended so that the same shall hereafter read as follows : On such day in the year A. D. 1861 as shall be established by law of the government of the Confederate States of America, the qualified electors for members of the House of Representatives of the State Legislature of this State shall elect, from among the resident citizens of this State over twenty-one years of age, and not members of the Congress of the Confederate States, as many Electors of President and Vice President of the Confederate States of America as the State of Texas shall be entitled to.

SEC. 3. The fifth section of the above entitled act is hereby amended so that the same shall hereafter read as follows : It shall be the duty of the Secretary of State; in presence of the Governor, Lieutenant Governor, and Attorney General, or any or either of them, on the twenty-fifth day after such election, or if such day fall on a Sunday, then on the twenty-sixth day after such election, to open all the election returns received by him, and correctly add up all the votes cast in the several counties for each of said Electors, and cause the result thereof, with the names of the persons elected, to be forthwith published in some newspaper printed at the seat of government of this State, and

in writing notify the persons elected, respectively, of their election.

SEC. 4 The sixth section of the above entitled act is hereby amended so that the same shall hereafter read as follows : That the electors so chosen shall convene at the seat of government of the State, on the second Monday after the votes electing them shall have been counted and declared as in the last preceding section is provided, and vote for President and Vice President of the Confederate States of America.

SEC. 5. The eighth section of the above entitled act is hereby repealed, and this act shall be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LVI.

AN ACT to amend an act entitled "An Act to amend an act entitled an act to organize Justices' Courts, and to define the powers and jurisdiction of the same," approved February 7, 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of said act shall hereafter read as follows : "A Justice of the Peace may grant a stay of execution on any judgment for money rendered by himself on a civil suit for three months ; *provided* the person or persons against whom such judgment was rendered shall, with one or more good and sufficient sureties, to be approved by such Justice, appear before him and acknowledge themselves and each of them bound to the successful party in such sum as shall secure the amount of the judgment, interest and cost ; which acknowledgement shall be entered by the Justice on his docket, and shall have the force and effect of a judgment against the persons making the acknowledgement, upon which execution shall issue for the amount of the original judgment, interest and costs, in case the same shall not be paid, on or before the expiration of such stay ; *provided* that no such stay shall be granted unless applied for and perfected within ten days of the recovery of the original judgment.

SEC. 2. That this act take effect and be in force from and after the first day of December, 1861.

Approved April 8, 1861.

CHAPTER LVII.

AN ACT making an appropriation for the subsistence and transportation of supplies for the Regiment ordered to be raised by an Ordinance passed by the Convention of the People of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the subsistence and transportation of supplies for the troops composing the regiment ordered to be raised under an ordinance. "to provide in part for the military defence of the State of Texas."

SEC. 2. That the Governor shall advertise for sealed proposals for furnishing the supplies and subsistence, which contracts shall be given to the lowest and best bidder; *provided* this requirement shall not interfere with the immediate wants of the service; *and further provided* he shall consider said bid reasonable. This act shall take effect from and after its passage.

Approved April 8, 1861.

CHAPTER LVIII.

AN ACT to authorize the County Courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascosa, Fort Bend, Fannin, Madison, Hays, Blanco, San Augustine, Walker, Sabine, Grimes, Victoria, Limestone, Medina, Uvalde, Orange, Hardin, Jefferson, Gillespie, Leon, Milam, Comal, Live Oak, Bee, Nueces, San Patricio, Refugio, Kerr, Bandera, Bosque, Erath, Palo Pinto, Hamilton, Comanche, Lampasas, Coryell, McLennan, Bell, Buchanan, Eastland, Matagorda, Wharton, Tyler, Liberty, Chambers, Polk, Goliad, Karnes and Brazoria counties to regulate the pay of Sheriffs therein in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the County Courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascosa, Fort Bend, Fannin, Madison, Hays, Blanco, San Augustine, Walker, Sabine, Grimes, Victoria, Limestone, Medina, Uvalde, Orange, Hardin, Jefferson, Gillespie, Leon, Milam,

Comal, Live Oak, Bee, Nueces, San Patricio, Refugio, Kerr, Bandera, Bosque, Erath, Palo Pinto, Hamilton, Comanche, Lampasas, Coryell, McLennan, Bell, Buchanan, Eastland, Matagorda, Wharton, Tyler, Liberty, Chambers, Polk, Goliad, Karnes and Brazoria counties be and [are] hereby authorized to allow the Sheriffs thereof, for summoning jurors in the District Courts, serving election notices, notice on overseers of roads, attending on the District and County Courts, and doing all other business not provided for, such sum or sums of money as said Courts may deem sufficient for said service, not to exceed two hundred dollars, to be paid out of the treasury of said county, any law to the contrary notwithstanding.

SEC. 2. That this act take effect from and after its passage.
Approved April 8, 1861.

CHAPTER LIX.

AN ACT providing means for the payment of certain debts created by authority of the late Convention of the People of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Governor is hereby authorized to borrow and place in the Treasury for the use of the State the sum of ninety thousand dollars, to be borrowed for the period of twelve months at a rate of interest not exceeding ten per centum per annum. And if necessary in order to procure such loan, the Governor shall withdraw from the Treasury of the State one hundred and fifty thousand dollars of the bonds and security of the Texas Central Railroad Company belonging to the special school fund, and after endorsing or assigning them for that purpose, shall pledge or hypothecate them for the security of the payment of such loan and the interest thereon ; or he may in like manner pledge or hypothecate such number or amount of any bonds of this State authorized to be issued by the Legislature and secured by taxation under the provisions of the Constitution of the State, as may be necessary to procure and secure such loan. The Governor may in his discretion appoint an agent to negotiate such loan, and may allow him such compensation for his services as may be agreed upon by the Governor, Comptroller and Treasurer, or a majority of them : *Provided*, that in case the bonds of the Texas Central Railroad Company shall be

withdrawn from the Treasury for the purpose herein contemplated, the coupon bonds for interest connected therewith, and which are now due or will become due during the period that said bonds are to be pledged or hypothecated, shall be retained in the Treasury; and when said railroad bonds are released from such pledge or hypothecation, the same shall be immediately replaced in the Treasury, and there remain as a portion of the special school fund, as heretofore.

SEC. 2. That out of the money so borrowed shall be paid such amount as has been or shall be audited and allowed by the auditorial board created by the late Convention of the People of the State, under and by virtue of an ordinance concerning certain commissioners and officers appointed by authority of said Convention, adopted March 23, 1861; and also such amount of debt as has been or may be created on the faith of the State under and by virtue of an ordinance of said Convention, to authorize the purchase of arms for the use of the State, adopted March 9, 1861, and the remainder, if any, may go into the general disbursement account.

SEC. 3. This act shall be in force from and after its passage.
Approved April 8, 1861.

CHAPTER LX.

AN ACT providing for the disposition of runaway slaves.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That it is hereby made the duty of the Sheriffs of the different counties of this State, as early as possible after the commitment of any runaway slave, to cause an advertisement to be published in a newspaper printed nearest the county, or in the newspaper having the largest circulation in the county where the commitment is made, at the discretion of the Sheriff; in which shall be embraced a minute description of such runaway slave, and any other circumstances calculated to lead to the discovery of the slave by his owner, and if, after such advertisement for the space of six months, the owner should not apply for, prove and take out of jail such slave, paying such expenses as are now allowed by law, together with the expense of advertising herein provided for, the Sheriff shall then convey and deliver such runaway slave to the keeper of the State Penitentiary, and the Sheriff shall at the same time deliver to the financial agent of

the Penitentiary a certificate from the Justice of the Peace who committed such runaway slave to jail, stating the amount of charges legally incurred in apprehending and securing such runaway slave, and to whom the same is due.

SEC. 2. The Sheriff shall be allowed ~~ten~~ cents per mile in going to and returning from the Penitentiary, as a full compensation for conveying such runaway slave thereto, an account of which he shall file with the financial agent.

SEC. 3. If any Sheriff shall fail to convey any runaway slave to the Penitentiary at the expiration of six months from the time of commitment to jail, such Sheriff shall not make any charge for maintaining said runaway slave after that time.

SEC. 4. It shall be the duty of the keeper of the Penitentiary to receive such runaway slave into custody, and him safely keep, and cause an advertisement to be inserted in the newspaper published by the State printer, describing the runaway slave, and the name of the person to whom he is supposed to belong, for the space of six months, or until such runaway slave is legally claimed and taken away; and if the owner shall fail either in person or by agent to come forward and prove property in such slave, the advertisement shall be discontinued, but the slave shall continue in the charge and service of the keeper of the Penitentiary for life: *Provided* that the owner may at any future period, come forward and prove property, pay the expenses which have accrued up to the time of the delivery of the slave to the keeper of the Penitentiary, and take the slave away.

SEC. 5. Whenever any runaway slave shall be delivered to the keeper of the Penitentiary under the provisions of this act, he shall certify the same to the Comptroller of Public Accounts, who, upon presentation of such certificate, together with the properly authenticated account of the expenses which may have accrued from the apprehension and confinement of such slave up to the time of the delivery to the keeper of the Penitentiary, shall issue his warrant for the amount, in favor of the Sheriff, which amount shall be paid out of any money in the Treasury of the State, not otherwise appropriated.

SEC. 6. The keeper of the Penitentiary shall not be allowed to make any charge for receiving, keeping, or feeding any runaway slave committed to his custody, but such slave shall be put to labor as other prisoners.

SEC. 7. Before any runaway slave in custody by virtue of this act shall be delivered up to any person claiming the same, such claimant shall first prove by the affidavit of some disinterested

witness, that such claimant has lost such a slave as the one described in the advertisement; second, that the runaway is the one he lost; third, pay all expenses incurred in apprehending, securing, receiving, maintaining and advertising such runaway. The keeper of the Penitentiary shall deliver any runaway to the owner or his agent, upon his or their complying with the foregoing requisitions, and upon bond and security being given, should it be required by the keeper, to indemnify the keeper; and the financial agent shall demand and receive all expenses incurred in the apprehension, recovery, maintaining and advertising such runaway, which amount shall be paid into the State Treasury.

SEC. 8. The legally authorized agent of any person claiming a runaway slave, may claim, prove and receive such runaway in like manner as the owner is enabled to do by this act.

Approved April 8, 1861.

CHAPTER LXI.

AN ACT to authorize and require the Commissioner of the General Land Office to issue patents out of the regular order in which they were filed in the Land Office.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is authorized and required to patent surveys out of the regular order in which they were filed in the Land Office, but in regular order of application; provided such surveys shall have been regularly mapped, or there be sufficient evidence that no previous survey legally filed in the Land Office covering the same ground as represented on the maps of the office.*

SEC. 2. That this act take effect from and after its passage.

Approved April 8, 1861.

CHAPTER LXII.

AN ACT to amend an act entitled an act amendatory of the laws to raise revenue by taxation, approved February 16, 1858.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the 4th section of the above entitled act shall*

hereafter read as follows : That there shall be assessed and collected of each person, firm, or public corporation, having money loaned at interest, buying or selling exchange, or buying or selling notes of hand, a tax at the rate of twenty cents on each hundred dollars loaned, and on the amount of capital used for the purchasing exchange or notes; and any person, firm, or public corporation having money loaned at interest or money used in purchasing exchange or notes, who shall fail or refuse to give in the same for taxation, shall, upon conviction before any court having competent jurisdiction, forfeit ten per centum upon the amount of money thus loaned, or used in purchasing exchange or notes, and not given in for taxation, to the use of the informer. That each and every person or firm engaged in the sale of goods, wares, and merchandise, vinous or spirituous liquors, when sold in quantities of a quart or more, shall pay a tax of twenty cents on each hundred dollars value of such articles purchased for sale, or received for sale, as agent or auctioneer, by such person or firm; and it shall be the duty of each Assessor and Collector in this State, once in every three months, or oftener, to call upon such person or firm, so occupied or engaged in his county for an account of such purchases or consignments to be made under oath, and every person or firm, when so called upon, who shall fail or refuse to furnish such Assessor and Collector with an account of such purchase, or consignment, during the term for which the assessment is to be made, shall be liable to a penalty of fifty dollars for each failure or neglect, to be recovered on information of the Assessor and Collector, before any Justice of the Peace of the proper county, by a suit in the name of the State; and the specific tax levied, shall exempt the goods, wares and merchandise from the *ad valorem* tax levied by this act.

SEC. 2. That this act take effect and be in force from after its passage.

Approved April 8, 1861.

CHAPTER LXIII.

AN ACT to amend the 19th Section of an Act to provide for the assessment and collection of Taxes, Approved February 11, 1850.

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the 19th section of An Act to provide for the as-*

assessment and collection of taxes, approved February 11th, 1850, shall be so amended as to read as follows: It shall be the duty of the Assessors and Collectors to compare their assessment rolls for the year 1860, and every year thereafter, and the list of payments made elsewhere to be hereafter furnished them by the Comptroller, with the Abstract of Titled Lands, and ascertain the lands on which the taxes have been paid, and after giving credits for the amounts so paid, the residue, if any, shall be valued by the assessor and collector, at its cash value, subject to the revision of the County Court; and after giving due advertisement, as required by the 17th section of said law, the same shall be sold as provided by law for the sale of the rendered property. The list of lands so advertised shall embrace the unrendered lands only, a copy of which shall be sent to the Comptroller by the 1st of June of every year; and the Comptroller shall charge the same to the Assessor and Collector, which accounts shall be credited by the amount bid off to the State, the Assessor and Collector's fee of two dollars on each sale, providing the same can be paid from the proceeds of such sale, as may be made to individuals; but should they be insufficient, then the Assessor will await the redemption of the land by the owners, for the fees so due, and the balance due on said account will be deposited in the Treasury, at the time of the annual settlement of his account. This Act shall be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LXIV.

AN ACT Making appropriation to supply deficiencies for the year 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the following sums be appropriated, to-wit:

For transportation of convicts to the Penitentiary for 1861,	-	-	-	-	\$2,000 00
For costs due clerks, attorneys, and sheriffs, in felony cases,	-	-	-	-	6,000 00
For repairs, &c., upon Governor's mansion,					150 00
For contingent expenses of Comptroller's office,					100 00
For postage fund for same,	-	-	-	-	200 00
For survey of land scrip,	-	-	-	-	500 00

For pay of George J. Durham for one month and twenty days services as acting Comptroller, during the absence of C. R. Johns to Washington City, from 26th January to the 15th March, 1861, at \$33 33 per month, being the difference in the salary between the Chief Clerk and Comptroller; to come out of the appropriation to pay expense of Comptroller to Washington City, - - -	55 50
For stationery for next Legislature, - - -	1,000 00
For wood for same, - - -	800 00
For contingent fund for late Convention, - - -	500 00
For printing ordered by the Senate and House of Representatives at the adjourned session of the eighth Legislature. - - -	1,889 00
For printing and distributing the laws and journals of the extra and adjourned sessions of the 8th Legislature, - - -	3,000 00

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 9, 1861.

JOINT RESOLUTIONS.

CHAPTER I.

JOINT RESOLUTION repealing the "Joint Resolutions in response to the Governor's Message on Kansas affairs," approved February 16, 1858.

1. *Be it Resolved by the Legislature of the State of Texas,* That the "Joint Resolutions in response to the Governor's Message on Kansas affairs," approved February 16, 1858, be and the same are hereby repealed.

2. That this resolution shall take effect from and after its passage.

Passed January 24, 1861.

CHAPTER II.

JOINT RESOLUTION relative to Coercion.

Be it Resolved by the Legislature of the State of Texas, That, in view of the exigencies of the times, we deem it proper to declare:

That when the sovereign States of this Confederacy entered into the compact of Union, they delegated to the Federal Government no power to compel, by force of arms, obedience by the States to the Federal authority, but, on the contrary, such power was expressly denied.

That the employment, therefore, of force by the Federal Government to compel any State of this Union to perform its obligations under the Federal Compact, or to compel a State against the will of its people to remain a member of this Confederacy, is in violation of the Constitution, a dangerous usurpation of power, destructive of the right of free government, and fatal to the existence of the Union itself, which, formed of equal and independent sovereignties, cannot be as between conquering States and subjugated provinces.

That should (as we have serious reason to apprehend may be, in the present condition of the Union,) the Federal Government attempt to coerce any of our sister States of the South, by force of arms, into subjection to Federal rule, we assure such States of the sympathies of our people, and that we shall make common cause with them in resisting, by all means and to the last extremity, such unconstitutional violence and tyrannical usurpation of power.

Passed February 1, 1861.

CHAPTER III.

JOINT RESOLUTION concerning the Convention of the People of Texas, called in pursuance of the Bill of Rights.

WHEREAS the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State, and its inhabitants, endangered by the political action of a majority of the States, and the people of the same have, in the exercise of powers reserved to themselves in the Bill of Rights, called a Convention, composed of two members for each Representative in the Legislature, from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which Convention, by the terms of the call, made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have power to consider the condition of public affairs; to determine what shall be the future relations of this State to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said Convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the Federal Government

in the Constitution of the United States, and by the articles of annexation, then the ordinance of said Convention resuming said delegated powers, and repealing the ratification by the people of Texas of said articles of annexation, should be submitted to a vote of the qualified electors of this State, for their ratification or rejection ; therefore,

1. *Be it Resolved by the Legislature of the State of Texas,* That the Government of the State of Texas hereby gives its assent to and approves of the Convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.

With a protest against the assumption of any powers on the part of said Convention, beyond the reference of the question of a longer connection of Texas with the Union to the people, approved 4th February, 1861.

CHAPTER IV.

JOINT RESOLUTION with regard to the contract for roofing the Capitol.

1. *Be it Resolved by the Legislature of the State of Texas,* That the Attorney General proceed to enforce the contract between the State and Robert P. Boyce and J. B. Sawyer for roofing the Capitol and the old Land Office, by suit upon their bond or otherwise.

2. That this Resolution take effect from and after its passage.
Approved February 8, 1861.

CHAPTER V.

1. *Be it Resolved by the Legislature of the State of Texas,* That the completion of the Texas and New Orleans Railroad, at an early day, both in Texas and Louisiana, is of the utmost importance to the material interests of both States; and in a military point of view, for strategic and defensive purposes, will be of the greatest value to the whole South, by constituting, with the railroads now constructed, a line of inland communication extending from Western Texas through to Virginia and Maryland, which will avoid many of the annoyances incident to a blockade on the Southern seaboard.

2. That, as this State has extended liberal aid to the Company for the construction of its works in Texas, that we would respectfully call the attention of the Legislature of Louisiana to the importance of this great enterprise, and commend it to its consideration.

Approved February 13, 1861.

CHAPTER VI.

JOINT RESOLUTION Concerning the revenue cutter "Dodge" and the officers of the same.

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That the Government and Congress of the Confederate States of America are hereby requested to have the necessary repairs made upon the revenue cutter Dodge, (now lying at the port of Galveston,) and that Capt. W. F. Rodgers, and the officers of said cutter, who were in command of said vessel at the time of her surrender by them to the authorities of Texas, be retained in office and continued in command of said cutter Dodge, upon the revenue service on the coast of Texas, by the Government of the Confederate States.

Be it further resolved, That the Governor of this State forward a copy of this joint resolution to our Members in Congress, with the request that they urge upon the Confederate Government the desire of Texas, expressed in said joint resolution.

Approved April 3, 1861.

CHAPTER VII.

JOINT RESOLUTION authorizing the payment of the salary of the late Captain T. P. Plasters, deceased, as Doorkeeper of the House of Representatives, to D. C. Dickson.

1. *Be it Resolved by the Legislature of the State of Texas,* That the State Treasurer is hereby authorized to pay to D. C. Dickson the amount due Thomas P. Plaster for services as Doorkeeper of the House of Representatives.

2. That this Joint Resolution take effect from and after its passage.

Approved, April 5, 1861.

CHAPTER VIII.

A JOINT RESOLUTION In relation to the establishment of an Admiralty Court for the State of Texas, at Galveston and such other places on the coast, as commerce requires.

SECTION 1. *Be it resolved by the Legislature of the State of Texas, That the Government of the Confederate States of America is hereby respectfully requested to establish an Admiralty Court for the State of Texas, at the city of Galveston, and such other places on the coast in this State as commerce requires.*

SEC. 2. *That the delegates of the State of Texas in the Congress of the Confederate States of America be and they are hereby requested to use all proper efforts to accomplish the object indicated in the foregoing resolution. And that the Governor cause a duly certified copy of these resolutions to be transmitted to said delegates. And this joint resolution shall be in force from its passage.*

Approved April 6, 1861.

CHAPTER IX.

JOINT RESOLUTION providing for the turning over of the property now in the possession of the State (lately taken from the United States Government) to the Confederate States Government.

1. *Be it resolved by the Legislature of the State of Texas, That the officers and agents of this State having in charge or possession any of the property recently taken from the Government of the United States, shall, on demand, turn the same over to the agent or agents appointed by the Confederate States Government to receive and take receipts for the same, accompanied by schedules specifying each item and its condition, and such officers or agents of the State shall file said receipts and schedules in the Comptroller's office as soon as practicable. Provided, that the Government of the Confederate States assumes all responsibility to the Government of the United States for all the property received under the provisions of this resolution.*

2. *That this resolution take effect and be in force from and after its passage.*

Approved April 6, 1861.

CHAPTER X.

JOINT RESOLUTIONS concerning Brigadier Gen. David E. Twiggs.

1. *Be it resolved by the Legislature of the State of Texas,* That in the person of Brigadier General David E. Twiggs, we recognize an eminent citizen, a pure patriot, and gallant officer, whose military career adorns the brightest page of the history of his country.

2. That the late delivery of the military posts and material of war, to the authorities of the people of the State of Texas, was dictated by a "military necessity," founded on a just regard for the rights of a sovereign State, thereby preventing a collision of arms, fearful in its consequences to the peace and liberties of the people.

3. That the retirement of this eminent citizen and soldier to the walks of private life, carries with him the gratitude and profound respect of the people of Texas, for his long and valuable public services, which will live in the hearts of his countrymen, when the acts of his persecutors will be remembered only to be detested.

4. That the Governor cause to be transmitted to Gen. Twiggs a copy of these resolutions.

Approved April 8, 1861.

CHAPTER XI.*JOINT RESOLUTION authorizing the Governor to appoint two Commissioners to examine into the affairs of the Central Railroad, and report to him.*

1. *Be it Resolved by the Legislature of the State of Texas,* That the Governor of the State may, on the application of any of the stockholders of the sold-out Company of the Texas Central Railroad, appoint two Commissioners to inquire into, and report to him, the facts in relation to the late sale of the said railroad under execution; and the Commissioners so appointed shall have the power to send for persons and papers, for the purpose of such examination: *provided*, that no expenses attending such examination shall be chargeable to, or paid by, this State, and the stockholders making application for the appointment of such Commissioners shall, before such appointment is

made, make provision for the compensation of the Commissioners, and the payment of the expenses attending the examination. And that this Resolution take effect, and be in force, from and after its passage.

Approved, April 8, 1861.

CHAPTER XII.

JOINT RESOLUTION concerning Iron Foundries in the State of Texas.

WHEREAS, there is in the counties of Marion and Cass, in this State, an inexhaustible supply of iron ore ; and, whereas, foundries are at this time in successful operation in said localities, fostered by the enterprise of citizens of Texas ; therefore,

1. *Be it resolved by the Legislature of the State of Texas,* That the Government of the Confederate States of America is hereby respectfully invited to consider the propriety and importance of establishing in said locality a foundry and manufactory for the manufacture of ordnance and arms for the Confederate States.

2. That the Governor is hereby requested to cause a copy of this joint resolution to be transmitted to the delegates of this State in the Congress of the Confederate States, to be by them laid before the Government of said Confederate States ; and that this joint resolution take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER XIII.

JOINT RESOLUTION, suspending the Geological Survey.

SECTION 1. *Be it Resolved, by the Legislature of the State of Texas,* That the Geological Survey of the State be suspended, and that the services of all employees concerned in said survey be dispensed with, except the chemist, who shall be continued in service only so long as may be necessary to make up the report hereinafter provided for.

SEC. 2. That B. F. Shumard, late geologist, be required to

make out a report of his surveys, so far as the same may have been completed, and for that purpose shall have control of the cabinet and geological rooms, and his notes, and the services of the chemist; and he shall receive the like salary as heretofore paid to the State Geologist, until the work is completed: *provided*, said report shall be made by the first day of July, next, which compensation shall be paid out of the appropriation heretofore made for the support of the Geological Bureau.

SEC. 3. That Dr. Francis Moore, present State Geologist, be required to make his report of all work executed by him up to the present time.

SEC. 4. That the unexpended balance of said appropriation, except so much as may be necessary to carry out the provisions of this Joint Resolution, shall be subject to be expended under other general appropriations.

SEC. 5. That the perishable property used in the survey shall be taken charge of by the Comptroller, and sold by him, and the proceeds paid into the Treasury.

SEC. 6. That this Joint Resolution shall take effect from and after its passage.

Approved, April 8, 1861.

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THE STATE OF TEXAS.

I, Bird Holland, Secretary of State of the State of Texas, do certify that the Extra Session of the Eighth Legislature of said State, convened according to the proclamation of the Governor, at Austin, on Monday the twenty-first day of January in the year one thousand eight hundred and sixty-one, and adjourned on Tuesday the 9th day of April, the same year.

And I further certify that the acts and resolutions contained in this volume are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.



Given under my hand and official seal at the city of Austin, the sixth day of May, A. D., one thousand eight hundred and sixty-one.

BIRD HOLLAND,
Secretary of State.



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